

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BASHIR ABRO,

Plaintiff,

v.

CASE NO: 05-CV-71587-DT

UNITED STATES OF AMERICA, et al.,

Defendants

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

This matter was referred to United States Magistrate Judge Donald A. Scheer pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 72.1. In his December 5, 2005, report, the magistrate judge recommends that this court grant the Defendants' Motion to dismiss or for summary judgment filed on August 30, 2005.

No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C), thus further appeal rights are waived.¹ Having reviewed the file and the Report, the court concludes that the findings and conclusions of the Magistrate Judge are correct and ADOPTS the same for purposes of this Order.²

¹The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Any objection was due with the ten days of service, which occurred not later than April 30, 2004, Fed.R.Civ.P.6(e). No objection has been filed as of the date of this order.

²The court notes that the magistrate judge inadvertently referred to Defendant's August 30, 2005, Motion to Dismiss as an "Answer." See R & R, page 2, first paragraph. This minor correction shall be considered incorporated into the court's order adopting the Report and Recommendation.

ORDER

IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, the Defendants' Motion to dismiss is **GRANTED** and the complaint is dismissed without prejudice for failure to exhaust administrative remedies.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 13, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 13, 2006, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522